MONTANA LEGISLATIVE HISTORY

Chapter 300 ~~19~~ 2001

Bill H _____ S 408 Original bill & history ____C

H. Committee on Natural Res.			S. Committee on Nat. Res.		
Hearing Date(s)	3-19	✓ C	Hearing Date(s)	2-12	✓ C
		____C		2-17	✓ C
		____C			____C
		____C			____C
Date Out		____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on February 12, 2001 at 3:10 P.M., in Room 317-C Capitol.

ROLL CALL

Members Present:
Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Bill Tash (R)
Sen. Ken Toole (D)

Members Excused: Sen. Mike Taylor (R)

Members Absent: None.

Staff Present: Melissa Rasmussen, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 408, 2/9/01
SB 377, 2/5/01
Executive Action: None

Sponsor: **SENATOR BEA MCCARTHY, SD 29, Anaconda**

Proponents: **Anne Hedges, Montana Environmental Information Center (MEIC)**
Cary Hegreberg, MT Wood Products Association
Gail Abercrombie, MT Petroleum Association
Patrick Heffernan, MT Logging Association (MLA)

Jim Mockler, MT Coal Council
John Youngberg, MT Farm Bureau
Frank Crowley, ASARCO
Steve Pilcher, MT Stockgrowers
Todd O'Hair, Natural Resource Policy Advisor to Governor Judy Martz
Peggy Trenk, MT Relators Association
Don Allen, Western Environmental Trade Association (WETA)
Tim Stevens, Self
Margaret Morgan, MT Petroleum Marketers

Opponents: none

Opening Statement by Sponsor:

SENATOR BEA MCCARTHY, SD 29, Anaconda, opened her remarks by proclaiming that SB 408 was not a result of the MEPA study. During the interim, a bipartisan committee met to improve MEPA. The committee listened to public testimony and researched issues surrounding MEPA. The bill is a result of that committee's hard work. After 18 months the committee produced a report. The report lists specific recommendations and findings by the committee. The committee felt the MEPA process needed to allow state agencies to make timely, efficient, informed, cost effective, legally defensible and ultimately better decisions. One of the ways to accomplish this is through SB 408. It is the first in a serious of bills drafted to address inadequacies in the study. The main purpose of the legislation is to require the director of an agency to sign all determinations of significance. With the director endorsing in writing, it would acknowledge for the first time that this responsible individual has reviewed the process. It was found during the interim committee hearings that often the department head or other persons within the department made this determination. This legislation would enforce the rights of Montana's citizens to a clean and healthy environment. **SEN. MCCARTHY** offered an amendment to her bill that would be ready during executive action.

Proponents' Testimony:

Anne Hedges, MEIC, asserted her support for SB 408 by pointing out that she felt this was a logical bill. However, she did have a few concerns about the workings of the bill. In reference to the board, she asked, if the project sponsor is allowed to go in front of the board shouldn't the public have that same right; can a board refuse to hear a request; are they forced to hear

them; what type of time frame was allowed. Finally she wondered, will the board have time to hear all of these requests and complete their work.

Cary Hegreberg, MT Wood Products Association, pointed out that the Environmental Quality Council (EQC) operates on a consensus basis not majority rule. This bill is one of the few things that the council discussed and came to a consensus on. With MEPA there is precious little middle ground. Critics like MEPA because it helps them accomplish its goals. Industry dislikes MEPA because it hinders or precludes them from accomplishing their goals. Finding a consensus is nearly impossible. No consensus does not mean there is no problem. A common allegation brought up by supporters of MEPA is that in its thirty years of existence the law has only been challenged twenty-seven times. He countered by stating that if only twenty-seven school children had brought handguns to school would that be an insignificant number. Would Montana environmentalists be satisfied if there had only been twenty-seven Sinead spills. Employers of Montana are asking the legislature to solve problems. The lawsuits filed against MEPA have been filed in the last few years and that trend is on the increase.

Gail Abercrombie, MT Petroleum Association, stated that she is not asking the committee to implode MEPA, but keep it structurally sound and usable. This is the first step in gaining clarification and creating sideboards for MEPA.

Patrick Heffernan, MLA, reported to the committee that when directors make decisions they usually have input from lots of different people. This bill makes a clear case as to what is a significant issue. Hopefully, the bill will clarify when a full Environmental Impact Statement is necessary (EIA).

Jim Mockler, MT Coal Council, surmised that when an agency has to deal with an important issue, it is mandatory that the director be involved.

John Youngberg, MT Farm Bureau, proclaimed that the bureau was involved in the discussion about this bill with the EQC. He agreed that department heads need to be involved in this level of decision making.

Frank Crowley, ASARCO, stated that this bill is a misunderstood piece of legislation. The phrase that has been tossed around in environmental groups is "analysis paralysis". He is concerned that our legislation is headed in that direction. Since the

director of an agency is usually very busy, it is necessary that important issues such as these are brought to their attention.

Steve Pilcher, MT Stockgrowers, acknowledged that MEPA is an important statute. Unfortunately, it has been used to delay projects. The act is not sacred and should be subject to periodic reviews. SB 408 addresses the opportunity as to how significant the identified impacts will be. That is an important decision that needs to be made by the director of an agency.

Todd O'Hair, Natural Resource Policy Advisor for Governor Judy Martz, charged that the Martz administration will not support legislation that could lead to the degradation of the environment. The bill is an important "look before you leap" procedure. The bill would streamline the process and make it more efficient both to the public and business. The administration believes that the legislature needs to move away from analysis paralysis that the state has fallen victim to. He concluded that it is important to hold the applicant accountable to the current laws.

Peggy Trenk, MT Relators Association, expressed her support as well as **Charles Brooks, Billings Area Chamber of Commerce,** who was unable to attend the hearing.

Don Allen, WETA, cited that WETA was involved in the interim committee as well. He told the committee that under MEPA the determination of significant impacts is a major part of the law. Through the passage of this bill, time and costs involved in performing an EIS would decrease. By requiring the director to endorse significant impacts, it makes the agency more responsible.

Tim Stevens, Self, voiced that he was concerned that the public would lose their ability to participate in the legislative process.

{Tape : 1; Side : B}

Margaret Morgan, MT Petroleum Marketers, stated that streamlining is important to the future growth of Montana and the petroleum industry.

<u>Questions from Committee Members and Responses</u>:

SEN. KEN TOOLE asked **SEN. MCCARTHY** when the board would submit a report. **SEN. MCCARTHY** told the committee whenever the board felt

it was necessary. **SEN. TOOLE** asked what kinds of things she wanted to accomplish with the new language. She answered that she hoped it would develop guidelines for the process.

Closing by Sponsor:

SEN. MCCARTHY thanked the committee for a good hearing.

HEARING ON SB 377

Sponsor: **SENATOR DUANE GRIMES, SD 20, Clancy**

Proponents:
Michael Kakuk, MT Contractors Association
Henry Fossnock, H & F Logging Inc.
Ed Regan, RY Timber Corporation
Don Serba, Pulp Paper Workers Resource Council
Tim Ryan, Larex Inc.
Ed Eggleston, Self
Rudy Ketchum, Self
Paul Buckly, Self
Marty Johnson, Self
Tom Monforton, Self
Julie Martin, Self
Joe Keller, Self
Kim Lyles, Self
Gary Marks, Self
Rita Windom, MT Chambers
Sheila Keller, Self
John Youngberg, MT Farm Bureau
Carl Schweitzer, Bozeman & Kalispell Chambers of Commerce
David Server, PACE International
Frank Crowley, ASARCO
Steve Pilcher, MT Stockgrowers
Steven Schwab, Self
Scott Medenhall, Self
Ellen Engstedt, MT Wood Products Association
Peggy Trenk, MT Relators Association
Margaret Morgan, MT Petroleum Association
Aiden Myhre, MT Chamber
Don Allen, WETA

Opponents:
Howard Strouse, Audubon
Jeff Barber, MT Wildlife Federation, MT Chapter

MONTANA SENATE
2001 LEGISLATURE
NATURAL RESOURCES COMMITTEE

ROLL CALL SB 408 / SB 377 DATE 02/12/01

NAME	PRESENT	ABSENT	EXCUSED
SEN. WILLIAM (BILL) CRISMORE, CHAIRMAN	✓		
SEN. DALE MAHLUM, VICE CHAIRMAN	✓		
SEN. VICKI COCCHIARELLA	✓		
SEN. MACK COLE	✓		
SEN. LORENTS GROSFIELD	✓		
SEN. BEA MCCARTHY	✓		
SEN. KEN MILLER ~~excused~~	✓		
SEN. GLENN ROUSH	✓		
SEN. BILL TASH	✓		
SEN. MIKE TAYLOR (excused)			✓
SEN. KEN TOOLE	✓		

DATE 02/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 377 and SB 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Starshine	453-6372	MWA	376/377		
Howard Strause	7278466	Audubon	377		✓
Mary Fay	727-7516	Audubon	377		✓
Beth Kaeding	5855644	self	377		✓
Jim Currie	444-6201	MBT	377/408		Info
Richard Parks	848-7514	BCC - MPC	377		✓
Hope Stevens	442-9424	MYSELF	377		✓
Paul Buckley	533-0465	Self	376 377	✓	
Tony Mansfield	287-3533	SELF	376 377	✓	
Gertrand James	494-579	Self & Family	376/377	✓	
Jeff Barber	439-6340	MT Wildlife Federation MT Chapter American Fisheries Society	377/[illegible]	408	X
JIM SIMPSON	887-2580	SELF	377/376	X	
Steve Kelly	582-0998	FRIENDS OF THE WILD SWAN	377/408		X

VISITOR REGISTER

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DATE 02/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 377 and SB 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
James N. Sweeney	848 7602		377		X
Jerry Furtney	949-1531	Self	408 377	X	
David L Serba	7281921	Local 885 PACE Int	377	X	
Al Kington	458-5286	Self	408 377	X	
Dave Keveger	563-7328	Self	408 377	X	
Theresa Keaveny	254-1593	Montana Conservation Ed Fund Voters	377		X
Dexter Busby	761-4100	Montana Refining	408 377	X	
Leland Griffin	"	Montana Refg	408 377	X	
Gary Hegnberg	3-1566	Wood Products Asso.	408 377	X	
Fred Janicke	4526871	PACE LOCAL 8-491	408 377	X	
Steve Pilcher	442-3420	MT Stockgrowers	408 377	X X	
Kayhann Miller	449-4541		377	X	
Earl Bridgen	374-2554	MT Farm Bureau	377	X	

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DATE 02/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 377 and SB 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Anne Hedges	443-2500	MEIC	377 408	x	x
Harold Young	246-3394	Flathead Resource Org	SB377		x
Joyce Baker	566-2625	League of Rural	377 408	✓	
Marilyn Brown	727-4489	Farm Bureau	377 408	✓	
Ray Baker	566-2625	Farm Bureau	377 408	✓	
Mark Clifford	542-0539	Clark Fork Coalition	377 408		x
John Youngberg	442-9476	MT Farm Bureau	377 408	x x	
Frank Crausz	443-3211	ASARCO	377 408	x x	
Nancy Owens	225 9225	Self	377 408		x
Barry Stang 442-6600	SB 377 SB 408	MT Motor Carrier	SB377 408	x x	
Christi Pilcher	443-2642	Self	377 408	x x	
Penny Fossenkemper	721-5805	H&F Logging Inc.	377 408	x x	
Patrick Hoffman	752-2168	MCA	377 408	x x	

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DATE 02/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 377 and SB 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Jim Mockler	442-6043	MT Coal Council	SB377 SB408	X	
John Semple	443-7487	MT CATTLEWOMEN MT STOCKGROWER ASSN	SB 377 SB 408	X X	
GAIL ABERCROMBIE	442-7582	MT Petroleum Assn	SB 377 SB 408	X X	
John Semple	443-7487	Assoc of MT AERIAL APPLICATORS MT Agricultural Business Assn	SB377 SB408	X X	
Margaret Morgan	449-4433	MT Petroleum Marketers	SB 377 SB408	X	
Don Allen	443-5541	WETA	SB377 SB408	X	
Steve Thompson	862-3795	MT Conservation Voters	SB377		X
Peggy Trenk	443-4032	MT Assoc. of Realtors Billings Chamber MAN	SB377 + 408	X	
Jay Kiarda	227-6937	Self	SB377 408	X	
TODD O'HAIR		GOV MARTZ	SB 377 408	X	
Roger DeBruycker	452-6537	Flowerree	SB377 408	X	
Tim Ryan	293-3521	Larex, Inc		X	
Aidan Myhre	442-6383	MT Chamber	SB377 408	✓	

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DATE 2/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 377, SB 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Ed Eggleston	293-8539	Myself	377	✓	
M. S. KAKUK	457-0970	MT. CONTRACTORS ASSN	408	✓	
"	"	"	377	✓	
Scott Mendenhall	287-3268	Jeff Local Rev. Com	377	✓	
Martin L Johnson	287-2160	Self	377	✓	
Martin L Johnson	287-2160	Self	408 377	✓	
Ed REGAN	266-3111	RY TIMBER	377	✓	
Tommy Johnson	287-3012	League of Rural Voters	408 377	✓	
Rudy KETCHUM	287 3306	self/whitehall Chamber	408 377	✓	
STEVEN SCHWAB	287-3465	Self	408 377	✓	
DARRELL SCHARF	287-5802	SELF Whitehall	408 377	✓	
ELLEN EUGSTADT	443-1866	MT WOOD PRODUCTS	377	✓	
Ronald Buentemeier	862-3897	F.H. Stoltze Land & Lbr & Self	377		

VISITOR REGISTER

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DATE 2/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: S Bill - 377

SB 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Gary Marks	933 5981	Self	377	✓	
Donna Thornton	752-5223	Self, logging contractor	408 377	✓	
[illegible]	752 5688	THORCO INC	408 377	✓	
Julie Martin	266-3208	Self, family logging business	408 377	✓	
Patricia M. Mahoney	266-3806	Self.	408 377	✓	
Jack Mahoney	266-3806	Self	408 377	✓	
Stephen J Flynn	846-1600	Self	408 377	✓	
Michael Lynghaug	756 3030	self	408 377	✓	
JANET HARTMAN	220 0458	SELF	408 377	✓	
RON HARTMAN	220-0458	SELF	408 377	✓	
ANGELA JANACARO	980-1644	MT MINING ASSN.	408 377	✓	
Pete Wendom	293-7781	Lincoln County	408 377	✓	
Joe Keller	756-7168	Self	408 377	✓	

VISITOR REGISTER

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DATE 2/12/01

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: S Bill 377 + 408

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Sheila K Keller	756-7168	Self - Montana Women in Timber	408 377	✓	
Matthew Leow	495-9345	MontPIRG	377		X
Patrick M. Montalbano	873-2845	NMOCA	408 377	✓	
CAROL CRISMORE	293 7405	Self	408 377	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

was inclusive of all activities. **SEN. LORENTS GROSFIELD** asked for clarification regarding if the DNRC did a programmatic EIS, which they were doing now, and then came back later and changed that, could that plan be changed without public input. **Mr. Clinch** responded that the rules relative to how the DNRC would implement a programmatic or any other EIS did not or would not change, regardless of this language referenced here. **Ms. Hedges** stated that the DNRC did a programmatic EIS on the state forest management plan and, in a lot of people's minds, it redefined what constituted old growth. It was a dramatic difference from what the state forest management plan said. That substantial change never went out for public review or public comment. Currently, there was a lawsuit pending on that issue. **Ms. Hedges** stated that what the MEIC was arguing was that when the DNRC made substantial changes to a document the public was relying on, the DNRC should at least do some type of supplemental environmental analysis to let people know what that change was and allow people to comment on it. She stated that it was hard to see that effect in the language, but it was absolutely there. **Ms. Hedges** stated that the court decision in the Kalispell section 36 case addressed this language, in particular, on page ten of the court decision. From that decision, this language was all about planning and she believed that was what the judge relied upon. **Ms. Hedges** felt this language would have an significant impact. **SEN. TAYLOR** stated he would resist this amendment only because he thought that, after hearing both sides and being sympathetic to the MEIC's position, if the DNRC did something wrong and did not follow through, there still were other options without this amendment. *{Tape: 1; Side B; Approx. Time Counter: 22.3 - 28.3}*

Roll Call Vote: Motion that **AMENDMENTS TO SB 376 (SB037602.amv) BE ADOPTED failed 3-8 with Roush, Toole, and McCarthy voting aye. Proxy vote by VICE-CHAIR DALE MAHLUM was included.**

Motion/Voice Vote: **SEN. TAYLOR** moved that **SB 376 DO PASS AS AMENDED (SB037601.amv). Motion carried 10-1 with Toole voting no. Proxy vote by VICE-CHAIR DALE MAHLUM was included.** *{Tape : 1; Side : B; Approx. Time Counter : 28.3 - 30.7}*

EXECUTIVE ACTION ON SB 408

SEN. MCCARTHY moved **SB 408** for discussion.

Discussion: **CHAIRMAN CRISMORE** advised there was an amendment, **EXHIBIT(nas40a06) (SB040801.amv).**

{Tape : 1; Side : B; Approx. Time Counter : 30.7 - 31.4}

Michael Kakuk offered an explanation of the amendments and stated that, as was expressed in the testimony, the purpose of **SB 408** was to insure that an agency employee who was making a significance determination, or a recommendation of significance would have to have that recommendation or determination approved by the agency director. This bill, which was pointed out by a number of interest groups, did not do that. It simply said that anyone making the determination had to sign off on it. The amendments **(SB040801.amv)**, numbers one through seven, clarified that an agency employee who made a recommendation of significance must have the agency director also sign off on it. Amendment number eight addressed the insertion following "issue", page 3, line 25, "[The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in [section 1 of Senate Bill No. 377]]". **Mr. Kakuk** stated that with **SB 377** and this bill also, if an administrative review of the significance determination or recommendation was requested, the counting of the days may not be included for the purposes of determining compliance with the time limits established for environmental review.

SEN. COCCHIARELLA suggested she would like to segregate numbers one through seven and vote on those portions separately from the numbers eight and nine as these were separate issues.

Mary Vandenbosch clarified that amendment number seven was an editorial change on page 3, line 24. It changed "to" to "by" in order to make sense in that the intention was to request a review "by" the board and not "to" the board. Also, amendment number two was a change to the title to reflect what was already in the bill and part of it changed regarding the recommendation relating through amendment number six. Amendment number nine addressed the coordination of the outcome of **SB 377**.

Motion/Voice Vote: **SEN. COCCHIARELLA** moved that **AMENDMENTS TO SB 408 (NUMBERS 1 THROUGH 7 ONLY OF SB040801.amv) BE ADOPTED. Motion carried unanimously. Vote 11-0. Proxy vote by VICE-CHAIR DALE MAHLUM was included.**

Motion: **SEN. COCCHIARELLA** moved that **AMENDMENTS TO SB 408 (NUMBERS 8 THROUGH 9 ONLY OF SB040801.amv) BE ADOPTED.**

Discussion: **Mary Vandenbosch** explained the purpose of amendments numbered eight and nine. **SEN. BEA MCCARTHY** stated she was not comfortable with amendment number eight although she would accept it as she felt numbers eight and nine had to go together and could not be separated. **SEN. GROSFIELD** questioned the outcome if the committee did not adopt amendments numbered eight and nine and **SB 377** passed and became law, then would the clock not stop regarding the time period and cause the department to not have adequate time to do what they needed to do. He thought everybody voted unanimously on the amendments to **SB 377** regarding the issue of stopping the clock and felt the same applied here with the amendments. **SEN. TAYLOR** questioned why **SEN. COCCHIARELLA** wanted to separate out the portions of the amendments and she stated it was to clarify her understanding and separate the issues.

Voice Vote: Motion that **AMENDMENTS TO SB 408 (NUMBERS 8 THROUGH 9 ONLY OF SB040801.amv) BE ADOPTED carried unanimously. Vote 11-0. Proxy vote by VICE-CHAIR DALE MAHLUM was included.**

Motion/Voice Vote: **SEN. MCCARTHY** moved that **SB 408 DO PASS AS AMENDED. Motion carried unanimously. Vote 11-0. Proxy vote by VICE-CHAIR DALE MAHLUM was included.**

{Tape : 2; Side : A; Approx. Time Counter : 0 - 10.3}

EXECUTIVE ACTION ON SB 322

Motion: **SEN. COCCHIARELLA** moved that **SB 322 DO PASS.**

Discussion: **SEN. MCCARTHY** announced there were two separate amendments to **SB 322. SEN. COCCHIARELLA** asked that **SEN. DEBBIE SHEA'S** amendments be discussed first.

Substitute Motion/Voice Vote: **SEN. COCCHIARELLA** moved that **AMENDMENTS TO SB 322 as per EXHIBIT(nas40a07), (SB032201.aem) BE ADOPTED. Motion carried unanimously. Vote 11-0. Proxy vote by VICE-CHAIR DALE MAHLUM was included.**

Motion: **SEN. COCCHIARELLA** moved that **AMENDMENT TO SB 322 EXHIBIT(nas40a08)** (concept of amendment) **BE ADOPTED.**

Discussion: **SEN. VICKI COCCHIARELLA** stated that the intention of this amendment was to make sure that a student who had received a scholarship that then terminated enrollment for any reason during an academic term, would have to make a refund to the Montana

MONTANA SENATE
2001 LEGISLATURE
NATURAL RESOURCES COMMITTEE

ROLL CALL DATE 02/17/01

NAME	PRESENT	ABSENT	EXCUSED
SEN. WILLIAM (BILL) CRISMORE, CHAIRMAN	✓		
SEN. DALE MAHLUM, VICE CHAIRMAN			✓
SEN. VICKI COCCHIARELLA	✓		
SEN. MACK COLE	✓		
SEN. LORENTS GROSFIELD	✓		
SEN. BEA MCCARTHY	✓		
SEN. KEN MILLER	✓		
SEN. GLENN ROUSH	✓		
SEN. BILL TASH	✓		
SEN. MIKE TAYLOR	✓		
SEN. KEN TOOLE	✓		

PROXY VOTE:

SENATE STANDING COMMITTEE REPORT

February 19, 2001

Mr. President:

We, your committee on **Natural Resources** report that **Senate Bill 408** (first reading copy – white) **do pass as amended.**

Signed: _____
Senator William Crismore, Chair

And, that such amendments read:

1. Title, line 5.
Following: "SIGNIFICANCE"
Insert: "OR RECOMMENDATION THAT A DETERMINATION OF SIGNIFICANCE BE MADE"

2. Title, line 6.
Following: "DIRECTOR;"
Insert: "AUTHORIZING THE PROJECT SPONSOR TO REQUEST A REVIEW OF THE SIGNIFICANCE DETERMINATION OR RECOMMENDATION BY THE APPROPRIATE BOARD;"

3. Page 3, line 20.
Strike: "For" through the first "the"
Insert: "The"

4. Page 3, line 21.
Strike: "significance"
Following: the first "determination"
Insert: "or recommendation"
Following: "writing"
Strike: "the"
Insert: "any"

5. Page 3, line 22.
Following: "significance"
Insert: "made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made"

Committee Vote:
Yes 11, No 0.

411055SC.srf

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6. Page 3, line 23.
Following: "determination"
Insert: "or recommendation"

7. Page 3, line 24.
Strike: "to"
Insert: "by"

8. Page 3, line 25.
Following: "issue."
Insert: "[The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in [section 1 of Senate Bill No. 377]]."

9. Page 4.
Following: line 12
Insert: "NEW SECTION. **Section 4. Coordination instruction.** (1) If Senate Bill No. 377 is not passed and approved, then the bracketed language in [section 1(5) of this act] that amends 75-1-201 is void.

(2) If Senate Bill No. 377 is passed and approved and if it does not establish time limits for environmental review, then the bracketed language in [section 1(5) of this act] that amends 75-1-201 is void."
Renumber: subsequent section

- END -

VOTE #3

MONTANA SENATE
2001 LEGISLATURE
NATURAL RESOURCES COMMITTEE
VOICE VOTE

DATE 02/17/01 BILL NO. SB 408 NUMBER ____

MOTION: Sen. Bea McCarthy moved SB 408 DO PASS as amended. Motion carried unanimously. Vote 10-0

NAME	AYE	NO
SEN. WILLIAM (BILL) CRISMORE, CHAIRMAN	✓	
SEN. DALE MAHLUM, VICE CHAIRMAN (excused)		
SEN. VICKI COCCIARELLA	✓	
SEN. MACK COLE	✓	
SEN. LORENTS GROSFIELD	✓	
SEN. BEA MCCARTHY	✓	
SEN. KEN MILLER	✓	
SEN. GLENN ROUSH	✓	
SEN. BILL TASH	✓	
SEN. MIKE TAYLOR	✓	
SEN. KEN TOOLE	✓	

VOTE #2

MONTANA SENATE
2001 LEGISLATURE
NATURAL RESOURCES COMMITTEE
VOICE VOTE

DATE 02/17/01 BILL NO. SB 408 NUMBER

MOTION: Sen. Vicki Cocchiarella moved only numbers 8-9 of amendment SB040801.amv to SB408 be adopted. Motion Carried unanimously. VOTE 10-0

SENATE NATURAL RESOURCES
EXHIBIT NO. 5
DATE 02/17/01
BILL NO. SB408

NAME	AYE	NO
SEN. WILLIAM (BILL) CRISMORE, CHAIRMAN	✓	
SEN. DALE MAHLUM, VICE CHAIRMAN excused		
SEN. VICKI COCCIARELLA	✓	
SEN. MACK COLE	✓	
SEN. LORENTS GROSFIELD	✓	
SEN. BEA MCCARTHY	✓	
SEN. KEN MILLER	✓	
SEN. GLENN ROUSH	✓	
SEN. BILL TASH	✓	
SEN. MIKE TAYLOR	✓	
SEN. KEN TOOLE	✓	

VOTE #1

MONTANA SENATE
2001 LEGISLATURE
NATURAL RESOURCES COMMITTEE
VOICE VOTE

DATE 02/17/01 BILL NO. SB 408 NUMBER ——

MOTION: Sen. Vicki Cocciarella moved only numbers 1-7 of amendment SB040801.amv. to SB 408 be adopted Motion carried unanimously. Vote: 10-0

SENATE NATURAL RESOURCES
EXHIBIT NO. 5
DATE 02/17/01
BILL NO. SB 408

NAME	AYE	NO
SEN. WILLIAM (BILL) CRISMORE, CHAIRMAN	✓	
SEN. DALE MAHLUM, VICE CHAIRMAN (excused)		
SEN. VICKI COCCIARELLA	✓	
SEN. MACK COLE	✓	
SEN. LORENTS GROSFIELD	✓	
SEN. BEA MCCARTHY	✓	
SEN. KEN MILLER	✓	
SEN. GLENN ROUSH	✓	
SEN. BILL TASH	✓	
SEN. MIKE TAYLOR	✓	
SEN. KEN TOOLE	✓	

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON NATURAL RESOURCES

Call to Order: By **VICE CHAIRMAN RICK DALE**, on March 19, 2001 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Rick Dale, Vice Chairman (R)
Rep. Gail Gutsche, Vice Chairman (D)
Rep. Keith Bales (R)
Rep. Dee Brown (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Larry Cyr (D)
Rep. Ron Erickson (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Rick Laible (R)
Rep. Jeff Laszloffy (R)
Rep. Douglas Mood (R)
Rep. Bob Story (R)
Rep. Brett Tramelli (D)
Rep. David Wanzenried (D)

Members Excused: Rep. Cindy Younkin, Chairman (R)
Rep. Rod Bitney (R)

Members Absent: Rep. Bill Eggers (D)
Rep. Christopher Harris (D)

Staff Present: Holly Jordan, Committee Secretary
Larry Mitchell, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 377, 3/13/2001; SB 408, 3/13/2001
Executive Action: SB 408

HEARING ON SB 408

Sponsor: **SEN. BEA MCCARTHY, SD 29, Anaconda**

Proponents: **Janet Ellis, Montana Audubon**
Cary Hegreberg, Montana Wood Products Association
Anne Hedges, MEIC
John Youngberg, Montana Farm Bureau
John Wilson, Trout Unlimited
Dexter Busby, MRC & MPA
Don Allen, WETA
Ellen Allen, Custer, Pocket Creek Ranch
Marjory Plummer, Billings, self
Angela Janacaro, Montana Mining Association
Barry "Spook" Stang, MMCA
Charles Brooks, Billings Chamber
Candace Durran, Helena, self
Patrick Heffernan, Montana Logging Association
M. S. Kakuk, Montana Contractors Association
Jim Mockler, Montana Coal Council
Rick Jordan, Butte, self
Gail Abercrombie, Montana Petroleum Association
Frank Crowley, ASARCO
Peggy Trenk, Montana Association of Realtors
Paul Buckley, Butte, self
Al Kington, Montana Forest County Coalition
John Bloomquist, Montana Stock Growers Association
Tammy Johnson, League of Rural Voters
Martin L. Johnson, Whitehall, self
Pachy Burhs, Big Timber, self

Opponents: None.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.5}

SEN. BEA MCCARTHY, SD 29, Anaconda, stated, SB 408 does not make the determination or significance any harder for the agency but it does require that the agency assure that the determination has been properly made and that the responsible party is the director of the agency. She gave a history of the bill.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 3.1}

Janet Ellis, Montana Audubon stated, this particular bill comes out as a recommendation from the 18 month study of MEPA. She urged a do concur.

Cary Hegreberg, Montana Wood Products Association, stated, a determination of significance under MEPA is what triggers an environmental impact statement versus a less rigorous environmental analysis. If an EIS is going to be triggered it is only appropriate that determination be made by a department director. He stated, this is a good bill and asked for a do concur.

Anne Hedges, MEIC, stated, this bill just makes sense and is a good idea.

John Youngberg, Montana Farm Bureau, stated, this was one of the items that came out of the interim study, with consensus. He urged a do concur.

John Wilson, Trout Unlimited, stated, he is in support of the bill.

Dexter Busby, MRC & MPA, stated, he is in support of the bill.

Don Allen, WETA, stated, he is in support of the bill.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 7.1}

REP. STORY asked **SEN. MCCARTHY**, regarding page 3, line 29, is it the intent that if the director makes a determination that the activity is significant and the project sponsor disagrees then they can take that to the appropriate board? **SEN. MCCARTHY** stated yes. **REP. STORY** asked, what if the director determines that it is not significant and some other party thinks it should be? What is the course that they would follow? **SEN. MCCARTHY** stated, that isn't covered. **REP. STORY** asked, was that discussed in the process? **SEN. MCCARTHY** stated no but she would consider an amendment to address that.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 8.8}

SEN. MCCARTHY stated she will look at an amendment to address **REP. STORY's** concerns. She asked for a do concur.

HEARING ON SB 377

Sponsor: SEN. DUANE GRIMES, SD 20, Clancy

Proponents: Ed Regan, RY Timber Corporation
Paul Buckley, Butte, self
Al Kington, Montana Forest County Coalition
Rick Jordan, Butte, self
Tammy Johnson, League of Rural Voters
Todd O'Hair, Governor's Office
Julie Martin, Townsend, self
John Youngberg, Montana Farm Bureau
Cary Hegreberg, Montana Wood Products Association
Frank Crowley, ASARCO
Don Allen, WETA
Dexter Busby, MRC & MPA
Peggy Trenk, Montana Association of Realtors
Martin L. Johnson, Whitehall, self
Pachy Burhs, Big Timber, self
Marjory Plummer, Billings, self
Karen Zost, Billings, self
Patsy Glaser, Huntley, self
Marie Hanland, Dupuyer, self
Margie Thompson, Wolf Creek, self
Ellen Allen, Custer, Rocket Creek Ranch
Jim Mockler, Montana Coal Council
Gail Abercrombie, Montana Petroleum Association
John Bloomquist, Montana Stock Growers Association
Angela Janacaro, Montana Mining Association
Barry "Spook" Stang, MMCA
Charles Brooks, Billings Chamber
Bob Williams, Hobson, self
Patrick Heffernan, Montana Logging Association
Michael S. Kakuk, Montana Contractors Association
Margaret Morgan, Montana Petroleum Marketers

Opponents: Jeff Barber, MWF
Anne Hedges, MEIC
Greg Tollefson, Missoula, self
John Wilson, Trout Unlimited
Richard Parks, NPRC

project proposed on land that is designated to that beneficiary thereby makes them, in essence, a project sponsor.

REP. GUTSCHE asked **Ms. Hedges** to respond to **REP. MOOD's** round of questioning. **Ms. Hedges** stated, there were technical inaccuracies in what **Mr. Hegreberg** said but the essence of what he said is true. Every person in the state is a beneficiary of the trust.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 62.2}

SEN. GRIMES closed. The testimony that was submitted as **Exhibit(1)** addressed the issues which he spoke of in his closing. *{Tape : 2; Side : A; Approx. Time Counter : 0.1}* He urged a do concur.

EXECUTIVE ACTION ON SB 408

{Tape : 2; Side : A; Approx. Time Counter : 4.5}

Motion: **REP. ERICKSON** moved that **SB 408 BE CONCURRED IN.**

Discussion:

REP. HOLDEN asked, isn't there a place where **REP. STORY** stated an amendment may be needed? He is not here now.

Mr. Mitchell explained the possible amendment.

REP. LAIBLE stated that he saw **REP. STORY's** concern in a different way. He asked the committee to hold off on executive action until **REP. STORY** can be there.

REP. YOUNKIN stated that executive action will be put off to give **REP. STORY** the opportunity to talk to **Mr. Mitchell** about the amendment.

SB 377
SB 408

HOUSE OF REPRESENTATIVES

ROLL CALL

NATURAL RESOURCES

DATE March 19, 2001

NAME	PRESENT	ABSENT	EXCUSED
CINDY YOUNKIN			✓
RICK DALE	✓		
GAIL GUTSCHE	✓		
GILDA CLANCY	✓		
LARRY CYR	✓		
KEITH BALES	✓		
BILL EGGERS		✓	
LINDA HOLDEN	✓		
BRETT TRAMELLI	✓		
RICK LAIBLE	✓		
DOUGLAS MOOD	✓		
DAVID WANZENRIED	✓ 1/2		
JEFF LASZLOFFY	✓		
RON ERICKSON	✓		
AUBYN A. CURTISS	✓		
CHRISTOPHER HARRIS		✓	
ROD BITNEY			✓
DEE BROWN	✓		
JOAN HURDLE	✓		
BOB STORY	✓		
LARRY MITCHELL	✓		
HOLLY JORDAN	✓		

MONTANA HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE
VISITORS REGISTER

DATE March 19, 2001

BILL NO. SB 408

SPONSOR(S) Sen. McCarthy

TYPE

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
P O I	Ellen Allen	Custer	Pocket Creek Ranch
P O I	Mayory Plummer	Billings	Self
P O I	Angela Tanacaro	Townsend	MMA
P O I	Barry "Spook" Stang	Helena	MMCA
P O I	Charles Brooks	Blgs	Blgs Chamber
P O I	Don Allen	Helena	WETA
P O I	Candace Durnan	Helena	Self
P O I	Janet Ellis	Helena	MT Audubon
P O I	PATRICK HEFFERNAN	HACISPECC	MT LOGGING ASSOC
P O I	M. S. KAKUK	Helena	MT Contractor Assn.
P O I	John Youngberg	Helena	Mt Farm Bureau
P O I	Anne Hedges	Helena	MEIC
P O I			
P O I			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

MONTANA HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE
VISITORS REGISTER

DATE March 19, 2001

BILL NO. SB 408

SPONSOR(S) Sen. McCarthy

TYPE

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
✓ (P) O I	Jim Mockler	Helena	MT Coal Council
✓ (P) O I	Rick Jordan	2425 Harvard Butte	Self
✓ (P) O I	Gail Abercrombie	Helena	MT Petroleum Assn
✓ (P) O I	Frank Crowley	Helena	ASARCO
✓ (P) O I	Peggy Trenk	Helena	MT. Assoc. of Realtors
✓ (P) O I	Paul Buckley	3006 Mammoth Dr Butte MT	Self
✓ (P) O I	Al Kington	Helena	Mt. For. Cty Coal.
✓ (P) O I	John Bloomquist	Helena	Mt. Stockgrows
✓ (P) O I	Tammy Johnson	Whitehall ~~Lg of Rural Voters~~	Lg of Rural Voters
✓ (P) O I	Martin L Johnson	Whitehall	Self
~~(P) O I~~	~~Patsy Glasser~~	~~Huntley~~	~~Self~~
✓ (P) O I	Dexter Busby	Great Falls	MRC - MRA
✓ (P) O I	Cary Hegerberg	Helena	Wood Prod. Asso.
✓ (P) O I	Packy Burns	BIG TIMBER	~~SELF~~

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony